

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JUSTICE FOR THE NEXT
GENERATION, et al.,

Plaintiffs,

v.

TERRY JOHNSON, individually and
in his official capacity as Alamance
County Sheriff, et al.,

Defendants.

Civil Action No. 1:20-cv-00998

**PLAINTIFFS' FIRST SET OF COMMON REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS TO ALL DEFENDANTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, and Local Rule 26.1, Plaintiffs Justice 4 the Next Generation (J4tNG), Alamance Alliance 4 Justice (AA4J), Reverend Gregory Drumwright, Edith Ann Jones, Faith Cook, Janet Nesbitt, Quenclyn Ellison on behalf of herself and her minor children, M.E. and Z.P., Melanie Mitchell, on behalf of herself and her minor children J.A. and B.A., Ernestine Lewis Ward, Edith Ward, Avery Harvey, and Ashley Reed Batten, by and through their counsel propound the following Requests for Production of Documents and Things ("Requests") upon Defendants Sheriff Terry Johnson, Chief Deputy Sheriff Cliff Parker, Jonathan Franks, Chief Mary Kristine Cole, Lieutenant Joaquin Velez, and the City of Graham and request that they be answered separately, fully, and in writing within thirty (30) days of the date of

service. Responses should be served by email to Elizabeth Haddix (ehaddix@lawyerscommittee.org), Jaclyn Maffetore (jmaffetore@acluofnc.org), and Chris Knight (cknight@mayerbrown.com) or mailed to Lawyers' Committee for Civil Rights Under Law, P.O. Box 956, Carrboro, NC 27510. These Requests are continuing, and you are hereby requested and instructed to provide any and all supplemental information, documents, and things in response to any of these Requests that may become available after service of your initial answers.

DEFINITIONS AND INSTRUCTIONS

As used in these Requests, the following terms have the following meanings and are intended to establish the broadest permissible interpretation of the defined terms permissible:

1. The "First Amended Complaint" refers to the Corrected First Amended Complaint filed by Plaintiffs in *Justice for the Next Generation, et al., v. Johnson, et al.*, Case No. 1:20-cv-00998-CCE-LPA on December 14, 2020.
2. Unless otherwise specified, "Plaintiffs" in the plural refers to Plaintiffs J4tNG, AA4J, Reverend Gregory Drumwright, Edith Ann Jones, Faith Cook, Janet Nesbitt, Quenclyn Ellison and her minor children, M.E. and Z.P., Melanie Mitchell and her minor children J.A. and B.A., Ernestine Lewis Ward, Edith Ward, Avery Harvey, and Ashley Reed Batten.
3. Unless otherwise specified, these requests concern documents and things from **April 1, 2020 through the present.**

4. The “March to the Polls” refers to the “I am Change March to the Polls” that took place on October 31, 2020, as further described in the First Amended Complaint.

5. “Participant” includes any and all participants or perceived participants, including Plaintiffs, who marched with, witnessed, or otherwise took part in the March to the Polls, but shall not include any defendant.

6. “You” refers collectively to Defendants Sheriff Terry Johnson, Chief Deputy Sheriff Cliff Parker, Jonathan Franks, Chief Mary Kristine Cole, Lieutenant Joaquin Velez, in their individual and official capacities, and to Defendant City of Graham (together, “Defendants”), and any of Defendants’ employees, supervisees, agents, apparent agents, attorneys, and all other persons, including corporate or other organizational “persons,” acting for them or purporting to represent them or to act on their behalf.

7. “ACSO” refers to Alamance County Sheriff’s Office and any employees, supervisees, agents, apparent agents, attorneys, and all other persons, including corporate or other organizational “persons,” acting for it or purporting to represent it or to act on its behalf.

8. “ASCO Defendants” includes Defendants Sheriff Terry Johnson, Chief Deputy Sheriff Cliff Parker, and the Alamance County Sheriff’s Deputies John and Jane Does identified in the First Amended Complaint.

9. “GPD” refers to Graham Police Department and any employees, supervisees, agents, apparent agents, attorneys, and all other persons, including corporate

or other organizational “persons,” acting for it or purporting to represent it or to act on its behalf.

10. “GPD Defendants” includes Defendants Chief Mary Kristine Cole, Lieutenant Joaquin Velez, and the Graham Police Officers John and Jane Does identified in the First Amended Complaint.

11. “Use of force” includes but is not limited to the use of: (a) oleoresin capsaicin compound (“pepper” or “OC” spray, vapor, fog or balls), MK-9S spray, or any other chemical agent; (b) baton, club, nightstick, or any other blunt instrument; (c) handcuffs, zipties, flexcuffs, or any other bodily restraint; (d) physical restraint used to compel compliance; or (e) arrest. See Principles of the Law, Policing § 5.01 TD No 1 (2017) (noting that “force” refers to “physically touching a person or object either directly or indirectly, such as by use of a weapon, in order to control or restrain a person, or to seize, examine, or damage property” and that this definition is “consistent with both judicial rulings and state and federal statutes”).

12. The word “document” includes all materials specified in Federal Rule of Civil Procedure 34(a)(1)(A) and “writings,” “recordings,” and “photographs,” as encompassed by Federal Rule of Evidence 1001, and should be construed in the broadest sense permissible. The definition of “document” is intended to encompass “communications,” and vice versa, which includes but is not limited to emails, telephone calls, letters, text messages, instant messages, or other forms of communication, and recordings, notes, meeting minutes, or other documents reflecting the contents of any

communications, as contemplated by Federal Rule of Civil Procedure 34 and the committee notes thereto. The definition of “document” is intended to also encompass any draft writings, redlines, and all versions of any document within Your possession, custody, or control.

13. “Person” means any natural person, individual, firm, corporation, partnership, proprietorship, joint venture, unincorporated association, government agency, and all other groups of persons, organizations, or entities of any type.

14. “Bodycam Identification Codes” means the unique nine-digit alphanumeric code provided in the bodycam footage (for example, the nine-digit alphanumeric code starting with “X813”).

15. The terms “include” or “including” do not limit the scope of the request and shall be construed as meaning including, but not limited to, the particular subject matter identified.

16. The singular shall include the plural and vice versa, the terms “and” or “or” shall be both conjunctive and disjunctive; and the term “including” means “including without limitation.”

17. Each request shall be answered separately and fully in writing. An incomplete or evasive answer is a failure to answer. If you cannot answer any request in full after exercising due diligence to secure the information to do so, please explicitly so state and answer those remaining parts of the request which you are able to answer.

18. If you object to fully producing a document because of a privilege, you must nevertheless provide the following information:

- a. The nature of the privilege claimed;
- b. The date of the document;
- c. The type of document, the custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request including, where appropriate, the author, the addressee and, if not apparent, the relationship between the author and addressee; and
- d. The general subject matter of the document.

19. If a request is objected to, please state the specific reason(s) for the objection and answer the request to the extent it is not objectionable.

20. In answering these requests, please produce all information, documents, and things in the possession of your agents, employees, attorneys, and all others from whom you may freely obtain it.

21. Each Defendant has a duty under the Rules to individualize their response where necessary and appropriate to do so, i.e., to the extent any individual Defendant's response to any of these requests differs in any way from another Defendant's response, responses should be set out separately and properly identified.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

1. All documents and communications between You and Plaintiffs and their known representatives or that refer to or are related to Plaintiffs and their known representatives.
2. All documents related to planning and/or preparing for the March to the Polls, including operations plans, public safety plans, assignments, staffing rosters, memoranda, or any such other document created to plan or prepare for the March to the Polls.

3. All other documents related to the March to the Polls, including but not limited to communications within and between Defendants and/or between or among individual ACSO and GPD personnel or their agents and between Defendants and any public official; communications with election officials and/or individuals working at the West Elm Polling location in Graham, N.C.; notes, memoranda, talking points, press releases and/or public statements and drafts thereof; and documents pertaining to any injuries suffered by GPD or ACSO personnel during the March to the Polls.
4. All documents related to the use of force (as set forth in definition #11 above), or authorizing the use of force, on any Participant in the March to the Polls, including but not limited to police reports and supplemental reports.
5. All recordings and/or photos, including but not limited to bodycam footage and/or audio, drone footage, and patrol car footage, press conferences or other statements to the public, related to or exhibiting the March to the Polls. In responding to this request, please provide a table or key showing the names of the officers or deputies responsible for recording the footage or taking the photos and their corresponding Bodycam Identification Code.
6. All documents pertaining to or referred to in your responses to Plaintiffs' First Requests for Admission and Plaintiffs' First Interrogatories.
7. All documents and communications pertaining to demonstrations or protests in Graham, N.C., between April 1, 2020 and the present.

Respectfully submitted, this the 31st day of August 2021.

/s/ Elizabeth Haddix

Elizabeth Haddix

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Notice of Special Appearance Filed

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on August 31, 2021, pursuant to agreement to electronic service, I served the foregoing on Defendants' counsel by e-mail at the addresses specified below:

For County Defendants:

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/s/ Elizabeth Haddix

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